

Ahmed 5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s) Walid Ahmed
Case: 5
Serial No.: 09/379,675
Filing Date: August 24, 1999
Group: 2617
Examiner: Sheila B. Smith

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Signature: Bobbitt Black Date: July 17, 2006

Title: Distributed Dynamic Channel Allocation Technique for Multi-Carrier CDMA Cellular Systems with Mobile Base Stations

TRANSMITTAL OF APPEAL BRIEF

Mail Stop Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

- (1) Appeal Brief; and
- (2) Copy of Notice of Appeal, filed on May 16, 2006, with copy of stamped return postcard indicating receipt of Notice by PTO on May 22, 2006.

There is an additional fee of \$500 due in conjunction with this submission under 37 CFR §41.20(b)(2). Please charge **Deposit Account No. 50-0762** the amount of \$500, to cover this fee. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 50-0762** as required to correct the error. A duplicate copy of this letter is enclosed.

07/19/2006 CNEGM1 00000005 500762 09379675
01 FC:1402 500.00 DA

Date: July 17, 2006

Respectfully,

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PATENT AND TRADEMARK OFFICE

5 PATENT APPLICATION

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Case: 5
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10 Filing Date: August 24, 1999
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Signature: *Robbette B. B.* Date: July 17, 2006

15 Title: Distributed Dynamic Channel Allocation Technique for Multi-Carrier CDMA
Cellular Systems with Mobile Base Stations

APPEAL BRIEF

20 Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

25 Sir:

Applicant hereby appeals the final rejection dated January 25, 2006, of claims 1
through 26 of the above-identified patent application.

REAL PARTY IN INTEREST

The present application is assigned to Lucent Technologies, Inc., as evidenced by
an assignment recorded on August 24, 1999 in the United States Patent and Trademark Office at
Reel 010198, Frame 0629. The assignee, Lucent Technologies, Inc., is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

STATUS OF CLAIMS

Claims 1 through 26 are presently pending in the above-identified patent application. Claims 1-10, 12-23, 25, and 26 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. (United States Patent Number 6,243,575) in view of Salmine (United States Patent Number 6,463,286) and claims 14-23, 25, and 26 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. in view of Salmine, and further in view of Lee (United States Patent Number 6,246,883).

STATUS OF AMENDMENTS

There have been no amendments filed subsequent to the final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is directed to a distributed dynamic channel allocation algorithm for a multi-carrier CDMA cellular system having at least one mobile base station. The disclosed distributed dynamic channel allocation algorithm used channel power measurements from both the requesting mobile station and the mobile base station attempting to allocate an available resource to the mobile station (page 4, lines 4-14). The distributed dynamic channel allocation algorithm attempts to allocate the best available resource for the requesting mobile station, in terms of interference, while minimizing the amount of interruption that the allocated resource may cause to existing connections in neighboring cells. Thus, the distributed dynamic channel allocation algorithm follows a "least-interference, least-interruption" strategy (page 4, lines 15-27). The distributed dynamic channel allocation algorithm of the present invention is load balancing, since it tends to assign new resources to mobile base station with lighter loads (page 4, lines 21-27). Due to the mobility of the mobile base station, a mobile base station can cause interference to mobiles connected to another close-by mobile base station. The uplink and downlink channels are not paired and can be independently assigned to requesting mobile stations (page 4, line 28, to page 5, line 27). A dynamic channel allocation process assigns resources to new mobile stations, while a dynamic channel allocation process assigns a new resource to an existing mobile station. The dynamic channel allocation process (new mobile)

and dynamic channel allocation process (new resource for existing mobile) process collected measurement information on network interference and load conditions, and assign a resource to a requesting mobile station in an optimum manner (pages 6-15).

5 In one exemplary embodiment, a method for allocating a resource to a mobile station (150) in a wireless communications network having at least one mobile base station is disclosed, comprising the steps of: collecting measurements of interference and load in the wireless communications network, wherein the collected measurements include nominal resource availability information and measured resource availability information (page 5, line 28, to page 11, line 23); processing the collected information to identify a resource for the mobile
10 station; and assigning the resource to the mobile station (page 12, line 1, to page 15, line 7).

In another exemplary embodiment, the nominal resource availability is a nominal capacity value for each band on the network less the number of users on the band (page 6, lines 14-21).

15 In one exemplary embodiment, a method for allocating a resource to a mobile station (150) in a wireless communications network having a plurality of base stations including at least one mobile base station is disclosed, comprising the steps of: collecting measurements of interference and load in the wireless communications network, wherein the collected measurements include received power measurements from neighboring base stations (page 5, line 28, to page 11, line 23); processing the collected information to identify a resource for the
20 mobile station; and assigning the resource to the mobile station (page 12, line 1, to page 15, line 7).

In another exemplary embodiment, received power measurements provide an indication of the distance to a neighboring base station (page 5, line 28, to page 9, line 21).

25 In one exemplary embodiment, a method for allocating a resource to a mobile station (150) in a wireless communications network having a plurality of base stations including at least one mobile base station is disclosed, comprising the steps of: collecting measurements of interference and load in the wireless communications network, wherein the collected measurements include predicted new load information (page 5, line 28, to page 11, line 23); processing the collected information to identify a resource for the mobile station; and assigning

the resource to the mobile station (page 12, line 1, to page 15, line 7).

In another exemplary embodiment, the predicted new load, $\mu_{l,i}^D$, is computed as follows:

$$\mu_{l,i}^D = p_{l,i}^D \sum_{k=1}^K \lambda_k^D,$$

5 where $p_{l,i}^D$ is a probability of assigning a resource to a band and λ_k^D are a number of users over a downlink band (page 9, line 15, to page 11, line 23).

In one exemplary embodiment, a method for allocating a resource to a mobile station (150) in a wireless communications network having a plurality of base stations including at least one mobile base station is disclosed, comprising the steps of: collecting measurements of
10 interference and load in the wireless communications network (page 5, line 28, to page 11, line 23); processing the collected information to identify a resource for the mobile station such that the resource allocation minimizes a call drop rate; and assigning the resource to the mobile station (page 12, line 1, to page 15, line 7).

In one exemplary embodiment, a call drop rate ensures that a resource will not be
15 assigned to the mobile station (150) if a likelihood that allocating the resource to the mobile station will cause another mobile station to be dropped exceeds a predefined threshold (page 12, line 1, to page 15, line 7).

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

20 Claims 1-10, 12-23, 25, and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. in view of Salmine and claims 14-23, 25, and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. in view of Salmine, and further in view of Lee.

ARGUMENTIndependent Claims 1, 6, 10, 12, 14, 19, 23 and 25

Independent claims 1, 6, 10, 12, 14, 19, 23, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. in view of Salmine and claims 14, 19, 23, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. in view of Salmine, and further in view of Lee.

Regarding claim 1, the Examiner acknowledges that Ohyama fails to specifically disclose wherein said collected measurements include nominal resource availability information and measured resource availability information, but asserts that Salmine discloses that collected measurements include nominal resource availability information (which reads on “whether or not the visited network is capable of handling traffic for one or more mobile stations” as disclosed in column 4, lines 21-22) and measured resource availability (which reads on “whether or not it will and can grant an access to a particular number of mobile stations” as disclosed in column 4, lines 26-27). Regarding claim 6, the Examiner asserts that Ohyama discloses collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include received power measurements from neighboring base stations (col. 12, lines 51-63). Regarding claims 10, 12, and 25, the Examiner asserts that Ohyama discloses collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include predicted new load information (col. 12, lines 51-63). Regarding claims 14, 19, and 23, the Examiner asserts that Ohyama discloses processing said collected information to identify a resource for said mobile station; and assigning said resource to said mobile station (col. 12, lines 5-8).

In the Response to Arguments section of the final Office Action, the Examiner asserts that “collecting measurements would have had to have been an inherent feature in order to make a determination (of) ‘whether or not the visited network is capable of handling traffic for one or more mobile stations’ it would have had to gather or collect the information in order to make the determination.” Regarding claim 6, the Examiner further asserts that “collected measurements include received power measurements from neighboring base stations which reads on ‘the mobile base station maintains transmission power in the mobile zones higher than the

existing zones not affected by the existing radio zone.” (Col. 8, lines 12-16.)

Regarding claim 1, Appellant notes that Salimen is directed to allowing “a selective national roaming for those subscribers (mobile stations) which the first home network PLMN (HPLMN) can not handle during a predetermined condition, e.g. an overload condition.” (Col. 8, lines 3-6.) Salimen teaches few details regarding the predetermined condition, including the detection of an overload condition. For example, Salimen teaches that

the overload can e.g be detected *simply when all communication resources in the first switching means are occupied by ongoing calls* of mobile stations MS registered in the first home network HPLM. If a call set-up request by a mobile station MS must be rejected as a consequence of no resources being available then this already indicates an overload condition at least in the switching means of the area where the requesting mobile station MS is currently located. Other possible overload conditions may be e.g. *the deterioration of transmission conditions or a complete collapse of the first mobile network due to serious operation or transmission errors.* (Col. 8, lines 23-34; emphasis added.)

Independent claims 1 and 14 require collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include *nominal resource availability information* and *measured resource availability information*. Appellant notes that “nominal” is defined as a term used to describe functional behavior as being within expected norms, or as designed (see, The IEEE Standard Dictionary of Electrical and Electronics Terms, Sixth Edition.) Thus, *nominal* resource availability information is resource availability information that describes the *expected norms*; for example, the nominal resource availability information may relate to the available resources in *terms of the specified capacity*, as would be apparent to a person of ordinary skill in the art (see, page 6, lines 14-21, of the originally filed specification). Thus, although Salimen discloses determining “whether or not the visited network is capable of handling traffic for one or more mobile stations,” Salimen does *not* disclose or suggest *collecting measurements* that include *nominal resource availability information and measured resource availability information*, as would be apparent to a person of ordinary skill in the art.

Regarding the Examiner’s assertion that collecting measurements would have had to have been an inherent feature, Appellant notes that the ability to “handle traffic” is typically

based on various parameters, such as the network's maximum resource capabilities; collecting measurements that include "nominal resource availability" is *not required* to determine whether or not the visited network is capable of handling traffic for one or more mobile stations, as would be apparent to a person of ordinary skill in the art. Thus, Appellant maintains that Salimen does not disclose or suggest *collecting measurements* that include *nominal resource availability information*.

Regarding claims 6, 10, 12, and 25, Appellant notes that, in the text cited by the Examiner, Ohyama teaches that,

upon receiving the request, the existing base station B requests the network to issue an instruction to specify a new radio channel. Upon receiving the instruction from the network, the existing base station B transfers it to the mobile base station in step S292. The mobile base station synchronizes the new channel with the existing base station A and switches the present speech channel connected to the existing base station B to the new channel connected to the existing base station A in step S293. The existing base station B releases the present channel in step S297. Subscriber terminals under the control of the mobile base station never participate in these operations, and therefore, no channel switching occurs in the subscriber terminals.
(Col. 12, lines 51-63.)

Appellant notes that Ohyama does *not* disclose or suggest that collected measurements include *received power measurements from neighboring base stations*, does not disclose or suggest *predicted new load* information, and does not disclose or suggest that the resource allocation *minimizes a call drop rate*.

Regarding the Examiner's assertion that "collected measurements include received power measurements from neighboring base stations reads on 'the mobile base station maintains transmission power in the mobile zones higher than the existing zones not affected by the existing radio zone,'" Appellant notes that the Examiner is apparently reading the cited claims as requiring that the amount of power received from neighboring base station(s) is measured and collected. First, the Ohyama citation does not explicitly disclose or suggest measuring power. Second, since the cited claims recite "received power measurements from neighboring base stations," it is the *measurement that is received from the neighboring base stations*; the terms "received" and "power" are adjectives for the term "measurement." For

example, the present disclosure teaches that “*the mobile base stations 100 R₁, ..., R_N also send their normalized received power levels $\bar{P}_{M_k \rightarrow R_i}$.*” (Page 12, lines 27-28; emphasis added.) Thus, contrary to the Examiner’s assertion, collected measurements that include received power measurements from neighboring base stations does not read on “the mobile base station maintains transmission power in the mobile zones higher than the existing zones not affected by the existing radio zone.”

Independent claims 6 and 19 require collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include received power measurements from *neighboring base stations*. Independent claims 10 and 23 require collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include *predicted new load information*. Independent claims 12 and 25 require processing said collected information to identify a resource for said mobile station such that said resource allocation *minimizes a call drop rate*.

Appellant also notes that Lee does *not* disclose or suggest that collected measurements include load measurements, nominal resource availability information, measured resource availability information, or predicted new load information and does *not* disclose or suggest that collected measurements include received power measurements from neighboring base stations.

Thus, Ohyama et al., Salimen, and Lee, alone or in combination, do not disclose or suggest collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include nominal resource availability information and measured resource availability information, as required by independent claims 1 and 14, do not disclose or suggest collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include received power measurements from neighboring base stations, as required by independent claims 6 and 19, do not disclose or suggest collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include predicted new load information, as required by independent claims 10 and 23, and do not disclose or suggest processing said collected information to identify a resource for said mobile station such that said

resource allocation minimizes a call drop rate, as required by independent claims 12 and 25.

Claims 5 and 18

Claims 5 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. in view of Salmine and claim 18 is rejected under 35 U.S.C. §103(a) as being
5 unpatentable over Ohyama et al. in view of Salmine, and further in view of Lee. Regarding claim 18, the Examiner asserts that Ohyama discloses that a nominal resource availability is a nominal capacity value for each band on said network less the number of users on said band (col. 12, lines 29-34).

In the text cited by the Examiner, Ohyama teaches that

10 a channel switching operation for a call of a subscriber terminal that is present in one of the mobile radio zones of the mobile base station is classified into a channel switching operation between existing radio zones, and a channel switching operation between the mobile radio zones of the mobile base station.

15 (Col. 12, lines 29-34.)

Contrary to the Examiner's assertion, Appellant could find no disclosure or suggestion by Ohyama that a nominal resource availability is a nominal capacity value for each band on said network less the number of users on said band. Claims 5 and 18 require wherein said nominal resource availability is a nominal capacity value for each band on said network less
20 the number of users on said band.

Thus, Ohyama et al., Salmine, and Lee, alone or in any combination, do not disclose or suggest wherein said nominal resource availability is a nominal capacity value for each band on said network less the number of users on said band, as required by claims 5 and 18.

Claims 8 and 21

25 Claims 8 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. in view of Salmine and claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. in view of Salmine, and further in view of Lee. Regarding claim 8, the Examiner asserts that Ohyama discloses that received power measurements provide an indication of the distance to a neighboring base station (col. 12, lines 29-34).

30 In the text cited by the Examiner, Ohyama teaches

a channel switching operation for a call of a subscriber terminal

that is present in one of the mobile radio zones of the mobile base station is classified into a channel switching operation between existing radio zones, and a channel switching operation between the mobile radio zones of the mobile base station.

(Col. 12, lines 29-34.)

Contrary to the Examiner's assertion, Appellant could find no disclosure or suggestion by Ohyama that received power measurements provide an indication of the distance to a neighboring base station. Claims 8 and 21 require wherein said received power measurements provide an indication of the distance to a neighboring base station.

Thus, Ohyama et al., Salmine, and Lee, alone or in any combination, do not disclose or suggest wherein said received power measurements provide an indication of the distance to a neighboring base station, as required by claims 8 and 21.

Claims 11 and 24

The Examiner did not reject claims 11 and 14. Appellant could also find no disclosure or suggestion by Ohyama, Salmin, or Lee that said predicted new load, $\mu_{l,i}^D$, is computed as follows:

$$\mu_{l,i}^D = p_{l,i}^D \sum_{k=1}^K \lambda_k^D,$$

where $p_{l,i}^D$ is a probability of assigning a resource to a band and λ_k^D are a number of users over a downlink band.

Thus, Ohyama et al., Salmine, and Lee, alone or in any combination, do not disclose or suggest wherein said predicted new load, $\mu_{l,i}^D$, is computed as follows:

$$\mu_{l,i}^D = p_{l,i}^D \sum_{k=1}^K \lambda_k^D,$$

where $p_{l,i}^D$ is a probability of assigning a resource to a band and λ_k^D are a number of users over a downlink band, as required by claims 11 and 24.

Claims 13 and 26

Dependent claims 13 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. in view of Salmine and claim 26 is rejected under 35 U.S.C.

§103(a) as being unpatentable over Ohyama et al. in view of Salmine, and further in view of Lee. The Examiner did not provide any specific comments regarding the limitations of claims 13 and 26.

Appellant could find no disclosure or suggestion by Ohyama, Salmin, or Lee that a call drop rate ensures that a resource will not be assigned to said mobile station if a likelihood that allocating said resource to said mobile station will cause another mobile station to be dropped exceeds a predefined threshold. Claims 13 and 26 require wherein said call drop rate ensures that a resource will not be assigned to said mobile station if a likelihood that allocating said resource to said mobile station will cause another mobile station to be dropped exceeds a predefined threshold.

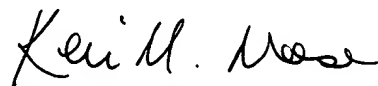
Thus, Ohyama et al., Salmine, and Lee, alone or in any combination, do not disclose or suggest wherein said call drop rate ensures that a resource will not be assigned to said mobile station if a likelihood that allocating said resource to said mobile station will cause another mobile station to be dropped exceeds a predefined threshold, as required by claims 13 and 26.

Conclusion

The rejections of the cited claims under section 103 in view of Ohyama et al., Salmine, and Lee, alone or in any combination, are therefore believed to be improper and should be withdrawn. The remaining rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,



Date: July 17, 2006

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APPENDIX

1. A method for allocating a resource to a mobile station in a wireless communications network having at least one mobile base station, said method comprising the steps of:

collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include nominal resource availability information and measured resource availability information;

processing said collected information to identify a resource for said mobile station; and

assigning said resource to said mobile station.

2. The method of claim 1, wherein said measurements are collected from both said mobile station and said base stations.

3. The method of claim 1, wherein said nominal resource availability information provides a measure of the load on said wireless communications network.

4. The method of claim 1, wherein said measured resource availability information provides a measure of the interference on said wireless communications network.

5. The method of claim 1, wherein said nominal resource availability is a nominal capacity value for each band on said network less the number of users on said band.

6. A method for allocating a resource to a mobile station in a wireless communications network having a plurality of base stations including at least one mobile base station, said method comprising the steps of:

collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include received power measurements from neighboring base stations;

processing said collected information to identify a resource for said mobile station; and

assigning said resource to said mobile station.

5 7. The method of claim 6, wherein said power measurements are received from said neighboring base stations on a beacon channel.

8. The method of claim 6, wherein said received power measurements provide an indication of the distance to a neighboring base station.

10

9. The method of claim 6, wherein said measurements are collected from both said mobile station and said base stations.

10. A method for allocating a resource to a mobile station in a wireless communications network having a plurality of base stations including at least one mobile base station, said method comprising the steps of:

15

collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include predicted new load information;

processing said collected information to identify a resource for said mobile station; and

20

assigning said resource to said mobile station.

11. The method of claim 10, wherein said predicted new load, $\mu_{l,i}^D$, is computed as follows:

25

$$\mu_{l,i}^D = p_{l,i}^D \sum_{k=1}^K \lambda_k^D ,$$

where $p_{l,i}^D$ is a probability of assigning a resource to a band and λ_k^D are a number of users over a downlink band.

12. A method for allocating a resource to a mobile station in a wireless communications network having a plurality of base stations including at least one mobile base station, said method comprising the steps of:

collecting measurements of interference and load in said wireless communications
5 network;

processing said collected information to identify a resource for said mobile station
such that said resource allocation minimizes a call drop rate; and
assigning said resource to said mobile station.

10 13. The method of claim 12, wherein said call drop rate ensures that a resource will not be assigned to said mobile station if a likelihood that allocating said resource to said mobile station will cause another mobile station to be dropped exceeds a predefined threshold.

14. A system for allocating a resource to a mobile station in a wireless
15 communications network having at least one mobile base station, said system comprising:

a memory for storing computer readable code; and

a processor operatively coupled to said memory, said processor configured to:

collect measurements of interference and load in said wireless communications
network, wherein said collected measurements include nominal resource availability information
20 and measured resource availability information;

process said collected information to identify a resource for said mobile station;

and

assign said resource to said mobile station.

25 15. The system of claim 14, wherein said measurements are collected from both said mobile station and said base stations.

16. The system of claim 14, wherein said nominal resource availability information provides a measure of the load on said wireless communications network.

5 17. The system of claim 14, wherein said measured resource availability information provides a measure of the interference on said wireless communications network.

18. The system of claim 14, wherein said nominal resource availability is a nominal capacity value for each band on said network less the number of users on said band.

10 19. A system for allocating a resource to a mobile station in a wireless communications network having a plurality of base stations including at least one mobile base station, said system comprising:

a memory for storing computer readable code; and

a processor operatively coupled to said memory, said processor configured to:

15 collect measurements of interference and load in said wireless communications network, wherein said collected measurements include received power measurements from neighboring base stations;

process said collected information to identify a resource for said mobile station;

and

20 assign said resource to said mobile station.

20. The system of claim 19, wherein said power measurements are received from said neighboring base stations on a beacon channel.

25 21. The system of claim 19, wherein said received power measurements provide an indication of the distance to a neighboring base station.

22. The system of claim 19, wherein said measurements are collected from both said mobile station and said base stations.

23. A system for allocating a resource to a mobile station in a wireless communications network having a plurality of base stations including at least one mobile base station, said system comprising:

a memory for storing computer readable code; and

a processor operatively coupled to said memory, said processor configured to:

collect measurements of interference and load in said wireless communications network, wherein said collected measurements include predicted new load information;

process said collected information to identify a resource for said mobile station;

and

assign said resource to said mobile station.

24. The system of claim 23, wherein said predicted new load, $\mu_{l,i}^D$, is computed as follows:

$$\mu_{l,i}^D = p_{l,i}^D \sum_{k=1}^K \lambda_k^D,$$

where $p_{l,i}^D$ is a probability of assigning a resource to a band and λ_k^D are a number of users over a downlink band.

25. A system for allocating a resource to a mobile station in a wireless communications network having a plurality of base stations including at least one mobile base station, said system comprising:

collecting measurements of interference and load in said wireless communications network;

processing said collected information to identify a resource for said mobile station such that said resource allocation minimizes a call drop rate; and

assigning said resource to said mobile station.

26. The system of claim 25, wherein said call drop rate ensures that a resource will not be assigned to said mobile station if a likelihood that allocating said resource to said mobile station will cause another mobile station to be dropped exceeds a predefined threshold.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to § 1.130, 1.131, or 1.132 or entered by the Examiner and relied upon by appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 CFR 41.37.



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Fairfield, CT 06824

Receipt in the USPTO is hereby acknowledged of:

Transmittal Letter - (Original & 1 copy)
Notice of Appeal - (Original & 1 copy)

Case Name: Ahmed S
Serial No.: 09/379,675

1200-306

May 16, 2006 KMM

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) Ahmed 5	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington D.C. 20231" on <u>May 16, 2006</u> . Signature <u>Bobbette A. Blake</u> Typed or printed name <u>Bobbette A. Blake</u>		In re Application of <u>Walid Ahmed</u>	
		Application Number <u>09/379,675</u>	Filed <u>August 24, 1999</u>
		For <u>Distributed Dynamic Channel Allocation Technique for Multi-Carrier CDMA Cellular Systems with Mobile Base Stations</u>	
		Group Art Unit <u>2617</u>	Examiner <u>Sheila B. Smith</u>
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.			
The fee for this Notice of Appeal is (37 CFR 1.17(b))		\$ <u>500.00</u>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:		\$ _____	
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.			
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0762</u> . I have enclosed a duplicate copy of this sheet.			
<input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the			
<input type="checkbox"/> applicant/inventor.		<u>Kevin M. Mason</u> Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)			
<input checked="" type="checkbox"/> attorney or agent of record.		<u>Kevin M. Mason</u> Typed or printed name	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a) _____		<u>May 16, 2006</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.